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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 San Francisco Division

11 MICRON TECHNOLOGY, INC., et al.,  
12 Plaintiffs,  
13 v.  
14 FACTORY MUTUAL INSURANCE  
15 COMPANY,  
16 Defendant.

Case No. 18-cv-07689-LB

**DISCOVERY ORDER**

Re: ECF No. 188

17 The parties dispute whether Factory Mutual must search all of its files (hardcopy and  
18 electronic) or instead can supplement its responses with email searches for certain custodians.<sup>1</sup>  
19 The court can decide the dispute without oral argument. Civ. L. R. 7-1(b). Because Factory  
20 Mutual has represented that it has produced all relevant claims documents (which it maintains in a  
21 formal, comprehensive repository), the court generally adopts Factory Mutual's proposal.<sup>2</sup>

22 Rule 26(b)(1) of the Federal Rules of Civil Procedure describes the basic scope of discovery  
23 — *i.e.*, what information parties can rightly demand from one another:

24 Parties may obtain discovery regarding any nonprivileged matter that is relevant to any  
25 party's claim or defense and ***proportional to the needs of the case***, considering the  
26 importance of the issues at stake in the action, the amount in controversy, the parties'

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27 <sup>1</sup> Joint Letter – ECF No. 188. Record citations refer to material in the Electronic Case File (ECF);  
pinpoint citations are to the ECF-generated page numbers at the tops of documents.

28 <sup>2</sup> *Id.* at 4–5.

1 relative access to relevant information, the parties' resources, the importance of the  
2 discovery in resolving the issues, and whether the burden or expense of the proposed  
3 discovery outweighs its likely benefit. Information within this scope of discovery need not  
4 be admissible in evidence to be discoverable.

5 Fed. R. Civ. P. 26(b)(1) (emphasis added).

6 Micron wants Factory Mutual to search everywhere for responsive documents.<sup>3</sup> Factory  
7 Mutual contends that it has produced all relevant claims documents and everything in its OnBase  
8 file. It maintains all relevant communications there and it is the "formal, comprehensive  
9 depository for all claim-related documents." It will search emails for the custodians discussed in  
10 the last paragraph of page 5 (and discussed in the parties' emails).<sup>4</sup> The court orders those email  
11 searches.

12 This at minimum is a good place to start. Emails from relevant custodians can illuminate  
13 whether relevant information exists elsewhere. But given Factory Mutual's representation that it  
14 produced all underwriting documents for the underwriting of Micron's policy and all situational  
15 analyses related to Fab 11, the court does not order more because relevance is attenuated, and the  
16 burden of the discovery outweighs any likely benefit.

17 **IT IS SO ORDERED.**

18 Dated: May 26, 2021



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LAUREL BEELER  
United States Magistrate Judge

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<sup>3</sup> *Id.* at 2–3.

<sup>4</sup> *Id.* at 3–5.